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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/970,570

10/04/2001

Noboru Yasuda

51441 US

1462

7590

09/11/2002

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EXAMINER

PATEL, DHIRUBHAI R

ART UNIT

PAPER NUMBER

2831

DATE MAILED: 09/11/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/970,570

Applicant(s)

YASUDA ET AL.

Examiner

DHIRU R PATEL

Art Unit

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-12 is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**Part III DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

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1. Claims 1-4 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Maeda (5,811,728).

Maeda discloses:

Regarding claim 1, a waterproof grommet 21 (rubber cap, see fig 1, column 4 lines 60-65) comprising:

a first member (see fig 1) having a first sealing part 25 formed on the inner surface of at least one through-hole through which an electrical wire 43 that connects a contact is passed (see figs 1, 4-6), and which can adhere tightly to the electrical wire (see figs 4-6, column 5 lines 40-55); a second member (see fig 2) having a second sealing part 37 which is formed on the outer circumferential surface of the through hole (see figs 2-3), and which can adhere tightly to a connector housing 29 (see fig 1, column 5 lines 40-55); but fails to disclose the first member having the first sealing part is formed from an elastic material that has a lower hardness than the hardness of the second member having the second sealing part.

it would have been an obvious matter of design choice to use the first member having the first sealing part is formed from an elastic material that has a lower hardness than the hardness of the second member having the second sealing part, since applicant has not disclosed that the first member having the first sealing part is formed from an elastic material that has a lower hardness than the hardness of the second member having the second sealing part solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with the first member and the second member of Maeda.

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Regarding claim 2, the second member has an insertion opening 39 with a tapered shape and is disposed at the insertion entry point for the contact in the through-hole (see fig 3, column 5 lines 55-65).

Regarding claims 3 -4, the first member and the second member are formed as an integral (see fig 1). With respect to two-color molding, it would have been an obvious matter of design choice to use two-color molding, since applicant has not disclosed that two-color molding solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with the first member and the second member of Maeda.

***Allowable Subject Matter***

2. 7-12 are allowed.

3. Claims 5-6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reasons for the indication of the allowability of claims 5-12 are the inclusion therein of the following limitations in combination with the other claim limitations:

For claims 5-8: the second member has at least one recessed part which is used to align a contact cavity formed in the connector housing with the through-hole by engaging with at least one protruding part formed on a waterproof grommet supporting member.

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For claims 9-12 : the second member having at least one recessed part which is used to align a contact cavity formed in the connector housing with the through-hole by engaging with at least one protruding part formed on a waterproof grommet supporting member.

The previously listed limitations are neither disclosed nor taught by the prior art of record, alone or in combination.

***Other prior art cited***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. A. E. Tschanz, and Sawamura disclose a grommet similar to applicant's claimed invention.

***Contact information***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhiru Patel whose telephone number is (703) 308 -3748. The examiner can normally be reached on Mondays- Thursdays from 6:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard be reached at 703-308-3682. The fax number for this Group is 703-305-3431. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Dhiru Patel  
Patent Examiner  
Group Art Unit 2831  
September 7, 2002

*Dhiru R Patel*